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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

TUNDRA MOUNTAIN HOLDINGS, LLC,)	
)	
Plaintiff,)	
)	
vs.)	
)	
MARKEL INSURANCE COMPANY,)	
)	
Defendant.)	No. 4:20-cv-0023-HRH
_____)	

O R D E R

Motion for Sanctions re Carden Deposition¹

Plaintiff moves for sanctions regarding the Federal Rule 30(b)(6) deposition of defendant's designated witness, Tommy Carden. The motion is opposed.² Oral argument has not been requested and is not deemed necessary.

The instant motion is a plaintiff's version of an earlier motion for sanctions in connection with the Rule 30(b)(6) deposition of plaintiff and Alaska Auto Rental, Inc.³ Plaintiff's expert witness did a miserable job of preparing for the Rule 30(b)(6) deposition of Tundra and Alaska Auto Rental. As a result, sanctions were imposed. Plaintiff now con-

¹Docket No. 125.

²Docket No. 130.

³Order Granting Motion for Sanctions (July 17, 2023), Docket No. 121.

tends that defendant's Rule 30(b)(6) deponent, like plaintiff's deponent, failed to properly prepare for his deposition.

As plaintiff aptly observes:

The duty to prepare a Rule 30(b)(6) designee goes beyond matters personally known to the witness or to matters in which the designated witness was personally involved. The duty to produce a prepared witness on designated topics extends to matters not only within the personal knowledge of the witness but on matters reasonably known by the responding party.

Great American Insurance Co. of New York v. Vegas Const. Co., Inc., 251 F.R.D. 534, 539 (D. Nev. 2008).

As plaintiff points out, Markel's Rule 30(b)(6) deponent was obligated to prepare himself as regards eight specific subject areas.⁴

Plaintiff complains that defendant did not produce any documents in connection with the Carden deposition. The parties disagreed over whether documents should have been produced; and, in the end, no timely motion for production of the documents in question was filed.

To the extent that counsel for plaintiff sought to depose Carden on subjects beyond the eight topics, plaintiff has no basis for complaint.

Finally, and most importantly, the parties disagree sharply as to whether Carden adequately prepared himself for a Rule 30(b)(6) deposition. Based upon defendant's showing,⁵ the court is satisfied and finds that Carden adequately prepared himself to be deposed on the eight topics contained in his deposition notice.

⁴Memorandum in Support of Motion for Sanctions at 1-2, Docket No. 125-1.

⁵Opposition to Motion for Sanctions at 9-12, Docket No. 130, and Exhibit F thereto, 1 to 33, Docket No. 130-8.

Plaintiff's motion for sanctions regarding the Rule 30(b)(6) deposition of Markel Insurance Company is denied.

DATED at Anchorage, Alaska, this 31st day of August, 2023.

/s/ H. Russel Holland
United States District Judge